

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
TUESDAY, APRIL 10, 2012 – 7:00 P.M.

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim read a proclamation proclaiming April 9th thru 13th Norfolk Telecommunicators Week and congratulated Angela Johnson on her selection as Virginia Telecommunicator of the Year by the Virginia Association of Public Safety Communication Officials. The proclamation was accepted by Jim Redick, Director of Emergency Preparedness and Response, along with other staff members.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council on March 27, 2012 under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to vacate a six foot public pedestrian easement at **235 E. Plume Street**.

Thereupon, An Ordinance entitled, “An Ordinance vacating a six foot public pedestrian easement at **235 E. Plume Street** as shown on the plat entitled “Plat Showing Former City Hall Annex Building to be sold by City of Norfolk, Virginia to Norfolk Port and Industrial Authority,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

PH-2

PUBLIC HEARING scheduled this day pursuant to action of the Council on March 27, 2012 under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Thomas M. Tye** for the closing, vacating and discontinuing a portion of **Bi-County Road between East Little Creek Road and Mason Avenue**.

Jim Pickrell, 403 Boush Street, the attorney, and Tom Tye, the applicant, 6062 Indian River Road, Virginia Beach, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of Bi-County Road and authorizing the conveyance to certain of the abutting property owners of any interest the city may have in the underlying fee of said portion of **Bi-County Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

CONSENT AGENDA

C-1 Letter from the City Clerk transmitting an Abstract of Votes cast in the City of Norfolk at the **Republican Primary Election** held on March 6, 2012.

ACTION: Received and filed.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2 Letter from the City Clerk presenting the request for use of the **Mace** for the **Flag Raising Ceremony** for the **Parade of Nations** to be held on Saturday, April 28, 2012.

ACTION: Use of Mace approved.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment on property located at **1907 Colonial Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment on property located at **2400 Llewellyn Avenue**,” was introduced in writing and read by its title.

Stacie Walls-Beegle, 9338 Willow Court, the applicant, spoke on behalf of this matter.

Gia Percell, 3118 Tidewater Dive, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation of **\$15,000.00** to the **City** from the **Friends of the Norfolk Public Library** and appropriating and authorizing the use of the funds to support library services and programs with a preference for the purchase of **E-Books**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation of **\$5,100.00** to the **City** from the **Hampton Roads Community Foundation** and appropriating and authorizing the use of the funds to support library services and programs with a preference for the purchase of additional books, reading or educational materials at the **Pretlow Anchor Branch Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Downtown Development Certificate** to permit the construction of a passenger rail station at **150 Park Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fram.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Sections 18.1-2 and 18.1-10** of ***The Code of the City of Norfolk, Virginia, 1979***, modifying the **United States Food and Drug Administration Food Code SO AS TO** permit baked goods prepared in **home kitchens** subject to state inspection to be offered for public consumption,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fram.

No. None.

R-7

Letter from the City Manager and the following three Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the sale of alcoholic beverages for off-premises consumption on property located at **100 West 21st Street**,” was introduced in writing and read by its title.

The following proponents spoke on behalf of this matter:

Stephen Romine, 999 Waterside Drive, the attorney, Stephen Snyder, 817 Mowbray Avenue, property owner, Riaz Vaziralli, 908 Rio Grand Drive, Virginia Beach, Larry Littman, 1018 Colonial Medals Way, Virginia Beach, Elliot Juren, 144 West Belvedere Road and Marie Snyder, 817 Mowbray Arch.

The following opponents spoke in opposition to this matter:

Susanne Ott, 711 Colonial Avenue, Steve Perreault, 950 Hanover Avenue, Irene O'Brien, 833 Brandon Avenue, Walter Ott, 711 Colonial Avenue, Alice Grimes, 1322 Mallory Court, Johnny Blake, 833 Brandon Avenue and Henry Conde, 300 Colonial Ave.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Williams, and Fraim.

No. Whibley and Winn.

R-7A

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit a retail goods establishment to operate after midnight on property located at **100 West 21st Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Williams, and Fraim.

No. Whibley and Winn.

R-7B

An Ordinance entitled, "An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit a convenience store at **100 West 21st Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Williams, and Fraim.

No. Whibley and Winn.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation a donation to the **City** from **S. L. Nusbaum Realty, Inc.** and from **Siemens Industry, Inc.**, each in the amount of **\$5,000.00** as a contribution to the opening events of the **Tide** light rail system,” introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

NEW BUSINESS

1. Jane Bethel, 5632 Brandon Boulevard, Virginia Beach, spoke on the need to revise the Administrative Personnel Manual to allow employees to participate in political activities on off time. She asks Council to give the same consideration as Firefighters.
2. **The following persons spoke in opposition of the Surry Coal Power Plant:**
 - Albert Burckhard, 12303 Titus Point Lane, Carrollton, VA
 - David Crandall, 1608 Rich Avenue, Norfolk, VA
 - Joe Cook, 1147 Surry Crescent, Norfolk, VA
3. Michael Muhammad, 208 East Plume Street, #108, spoke concerning serious crime issues in the city.
4. Alice Grimes, 1322 Mallory Court, spoke regarding the revitalizing of Waterside and the effects of demolishing historical buildings.